

BOWERS LAW OFFICE LLC

Post Office Box 50549
Columbia, South Carolina 29250

Phone: 803-260-4124

butch@butchbowers.com

April 4, 2014

Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

RE: MUR 6791

Dear Mr. General Counsel:

On behalf of my client Indian Americans for Freedom ("IAFF"), please accept this letter as our official response to the above-referenced complaint filed by Mr. Scott Pierce ("Complainant")¹. This matter is confidential pursuant to 2 USC § 437g(a)(4)(B) and §437g(a)(12)(A) of the Federal Election Campaign Act ("Act").

Complainant's primary allegation is that IAFF did not comply with the "48 hour report" requirement of 11 CFR 109.10(c). In his first paragraph in support of this allegation, Complainant asserts that IAFF was allowed to "operate in the dark for approximately three additional weeks" because their initial expenditure was less than the \$10,000 filing threshold for 48 hour reports. Of course, this is entirely in compliance with the law, yet Complainant seeks to create the false appearance that wrongdoing occurred when in fact that is simply not the case.

Similarly, in the second paragraph in support of his claim, Complainant makes the irrelevant observation that IAFF had received a contribution from a member of the Kumar family, which also supported candidate Manju Goel. Not only does this have nothing to do with the "48 hour report" rule, but it appears to be included solely to disparage Indian-American citizens for simply exercising their basic constitutional rights as citizens to participate in the electoral process.

After attempting to paint IAFF in an unfavorable light with irrelevant information that does nothing but confirm lawful and legitimate activity, Complainant finally gets around to the substance of his complaint: that IAFF's initial 48 hour report was three business days late. In fact, this allegation is correct. The IAFF distributed the relevant communication on February 5, 2014, but the Commission did not receive the 48 hour report until February 12, 2014. However, as the

¹ Mr. Pierce appears to be a serial complainant, given that this is his second FEC complaint against IAFF within a three week period. Much like with his first complaint (MUR 6783), which is similarly unfounded and without merit, Mr. Pierce has knowingly and willfully violated the confidentiality requirements of the Act, this time by causing this complaint to be posted on the public website of Illinois Review (See <http://illinoisreview.typepad.com/files/fec-complaint--iaff---030414.pdf>). Therefore, he must be fined not more than \$5,000 in accordance with 2 USC §437g(a)(12)(B).

CELA

2014 APR -7 AM 10:44

RECEIVED
FEDERAL ELECTION
COMMISSION

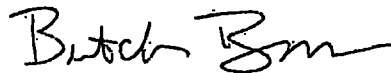
17044412160

record reflects, IAFF mailed the report to the Commission on February 6, 2014, just one day after the distribution of the mailer. IAFF takes responsibility for not electronically transmitting the report to the Commission so that it could be received within the required 48 hour window; but there was no mal-intent and this amounts to nothing more than excusable neglect. Furthermore, it is important to point out that all subsequent 48 hour reports have been timely submitted, and no material harm occurred as a result of the Commission's receipt of the report on just the *third business day* after it was due. Therefore, this complaint warrants nothing more than a warning to ensure that all future 48 hour reports are timely received by the Commission.

Finally, Complainant also alleges that IAFF has failed to use a proper disclaimer on its public communications, despite the fact that the exhibit to his complaint in support of his allegation actually proves just the opposite. As the printed materials from IAFF confirm, the disclaimers on their printed materials satisfy both the substantive and technical requirements of 11 CFR 110.11. Specifically, the disclaimers are presented in a clear and conspicuous manner and provide the reader with adequate notice that IAFF paid for the mailers. Moreover, the disclaimers are clearly readable and have a reasonable degree of color contrast between the background and the printed statement. There is simply no legitimate argument that the recipient of these materials is unable to determine the sponsor of the mail pieces, which is the intent of the disclaimer requirement in the first place. Accordingly, this allegation must fail.

Thank you for the opportunity to respond to this complaint on behalf of IAFF. If you have any questions or need additional information, please let me know.

Yours very truly,



Karl S. Bowers, Jr.

17044112161